

RICH MICHAELSON MAGALIFF MOSER, LLP
340 Madison Avenue, 19th Floor
New York, NY 10173
212.220.9406 (telephone)
Eric.Moser@r3mlaw.com

Hearing Date: December 19, 2013
Hearing Time: 10 a.m. (ET)

Counsel for EFETnet B.V.

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X		
In re	:	Chapter 11
	:	
LEHMAN BROTHERS HOLDINGS INC., et al.,	:	Case No. 08-13555 (JMP)
	:	
Debtors.	:	(Jointly Administered)
	:	
-----X		

**REPLY IN SUPPORT OF MOTION OF EFETNET B.V. TO AUTHORIZE LATE-FILED
PROOF OF CLAIM AND/OR PERMIT AMENDMENT OF INFORMAL PROOF OF
CLAIM AGAINST LEHMAN BROTHERS COMMODITY SERVICES, INC.**

EFETnet, B.V. (“EFETnet”) hereby submits this reply in support of its Motion to
Authorize Late-Filed Proof of Claim and/or Permit Amendment of Informal Proof of Claim
Against Lehman Brothers Commodity Services, Inc., respectfully representing as follows:

1. Whether or not EFETnet received actual notice of the bar date in this case is a
matter of speculation, which can only be resolved by reference to the legal presumption of
receipt that attends Lehman Brother’s Corrected Certificate of Service. EFETnet’s managing
director has no record or recollection of having received it, but cannot definitely rule out the
possibility that it may have arrived.¹

2. What is clear, however, is that EFETnet received and timely returned a pre-
formatted proof of claim form from LBHI’s wholly-owned subsidiary, Lehman Brothers Inc.

¹ Declaration of Hugh Brunswick dated December 6, 2013, ¶¶ 4-5.

3. Having received and complied with the notice of bar date in the LBI case, EFETnet's confusion about the need to file a separate proof of claim in the Lehman Brothers Commodity Services case is readily understandable, and its resulting neglect in appreciating the need for filing a separate claim against LBCS should therefore be excused.

4. Contrary to Lehman Brothers' assertions of extreme prejudice, EFETnet respectfully submits that the circumstances surrounding its claim are somewhat unique – particularly its *timely* compliance with the terms of the bar date order and form pre-addressed to it in connection with the LBI case -- and that allowing its \$49,155.00 claim will not unduly prejudice the administration of the Debtors' estates due to its exceedingly small size, nor will it establish a broad precedent for other claimants, who were not misled by such an unfortunate confluence of circumstances, to follow.

WHEREFORE, EFETnet respectfully requests entry of an order: (i) allowing it to file a late claim against LBCS; (ii) deeming its already filed claim against LBI an informal proof of claim against LBCS; and (ii) granting such other and further relief as this Court deems just.

Dated: New York, New York
December 16, 2013

RICH MICHAELSON MAGALIFF MOSER, LLP

By: /s/ Eric T. Moser

Eric T. Moser
340 Madison Avenue, 19th Floor
New York, NY 10173
212.220.9406 (telephone)
emoser@r3mlaw.com

Counsel for EFETnet B.V.